

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Himanshu BRAHMBHATT *et al.*
Title: ***METHODS FOR TARGETED IN VITRO AND IN VIVO
DRUG DELIVERY TO MAMMALIAN CELLS VIA
BACTERIALLY DERIVED INTACT MINICELLS***
Appl. No.: 10/588,028
371(c) Date: 4/30/07
Examiner: Anoop Kumar Singh
Art Unit: 1632
Confirmation
Number: 1320

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Office Action mailed in the above-captioned case on October 6, 2008. Applicant encloses herewith a Petition for Extension of Time to make this response timely.

Restriction Requirement

The examiner has divided the claims into three groups: Group I (claims 1-7, 37, directed to certain compositions of minicells), Group II (claims 8-33 and 38, directed to certain drug delivery methods) and Group III (claims 34-36, directed to methods of loading minicells). It seems, though, that the examiner has examined a prior version of the claims and not the current form, which was entered during the international phase of

PCT/IB2005/000204. *See* Transmittal and claims 1-30 (Attached), both filed on August 1, 2006.

As the pending claims are similar to the prior claims, applicant endeavors herein to respond to the pending Action. Applicant's response is predicated on an understanding that the examiner intends to restrict the claims as follow: Group I (claims 1-7, 29, directed to certain compositions of minicells), Group II (claims 8-27 and 30, directed to certain drug delivery methods) and Group III (claim 28, directed to methods of loading minicells).

From this perspective, applicant hereby elects Group II, claims 8-27 and 30, for prosecution in the instant application. Applicant specifically reserves the right to file divisional applications covering the subject matter of the non-elected claims.

Election of Species

Applicant elects as a species a "polypeptide" bispecific ligand. Each of the elected claims reads upon this species.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

Date 5 January 2009

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